

AN ORDINANCE approving the awarding of Reference #5047 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and WAYNE PIPE & SUPPLY, INC. for the Water Maintenance and Service Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #5047 between the City of Fort Wayne, by and through its Department of Purchasing and WAYNE PIPE & SUPPLY, INC. for the Water Maintenance and Service Department, respectfully for:

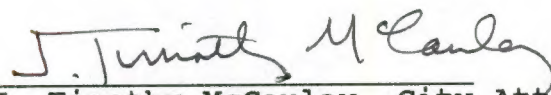
the purchase of copper pipe for the Water Maintenance and Service Department;

involving a total cost of Twenty-Two Thousand Three Hundred Seventy-Four and no/100<sup>±</sup> Dollars (\$22,274.00<sup>±</sup>) all as more particularly set forth in said Reference #5047 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney

REFERENCE NO. 5047  
WATER MAINT & SERVICE  
COPPER PIPE  
4/13/92

DESCRIPTION	QTY	EJP	CENTRAL	WAYNE PIPE
3/4" X 60'	10200	1.09 FT	1.101 FT	.97 FT
3/4" X 100'	3100	1.09	1.101	.97
1" X 60'	3240	1.40	1.297	1.24
1" X 100'	2200	1.40	1.297	1.24
1 1/2" X 20'	460	2.64	2.446	2.35
2" X 20'	460	4.00	3.730	3.58
TOTAL:		\$25,167.40	\$24,539.94	\$22,374.40

FRONT PAGE/INVITATION TO BID  
DEPARTMENT OF PURCHASING  
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA  
ONE MAIN STREET - ROOM 350  
PHONE 219-427-1101

BID OPENING DATE 4/13/92 BID REFERENCE # 5047

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR COPPER PIPE

AND REQUESTED BY WATER MAINTENANCE & SERVICE DEPARTMENT

THIS BID REQUIRES A XXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A \_\_\_\_\_ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: 0 % IF PAID WITHIN NET 30 DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME WAYNE PIPE & SUPPLY, INC.

STREET ADDRESS 1815 S. ANTHONY BLVD

CITY FORT WAYNE PHONE # 219-423-9577

BY R. C. Schrieman  
REPRESENTATIVE SIGNATURE

CITY OF FORT WAYNE  
COPPER PIPE  
REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF COPPER PIPE FOR THE WATER MAINTENANCE & SERVICE DEPARTMENT.

ALL COPPER WATER SERVICE PIPE SHALL BE TYPE "K" COPPER WATER TUBE, MADE IN ACCORDANCE WITH THE LATEST REVISIONS OF ASTM SPECIFICATIONS B88 OR FEDERAL SPECIFICATIONS WW-T-799, AND SHALL HAVE THE TYPE DESIGNATION AND THE MANUFACTURERS NAME AND/OR SYMBOL STAMPED INTO THE OUTER SURFACE.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE AGREEMENT. THERE SHALL BE NO ADDITIONAL CHARGES FOR DELIVERY, HANDLING OR ANY OTHER MISC FEES.

TERM OF AGREEMENT: MAY 1, 1992 THROUGH AUGUST 31, 1992

FOB: FORT WAYNE

PLEASE PRICE THE FOLLOWING COPPER PIPE-TYPE K SOFT

SIZE	QTY IN FT	UNIT COST/	TOTAL
3/4" X 60' (ROLLS)	10200	.97	/ 9,894.-
3/4" X 100' (ROLLS)	3100	.97	/ 3,007.-
1" X 60' (ROLLS)	3240	1.24	/ 4,017.60
1" X 100' (ROLLS)	2200	1.24	/ 2,728.-
1 1/2" X 20' (LENGTHS)	460	2.35	/ 1,081.-
2" X 20' (LENGTHS)	460	3.58	/ 1,646.80
		TOTAL:	<u>22,374.40</u>

## BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)  
(Please type or print)

Date: 4-9-92

1. Governmental Unit: CITY OF FORT WAYNE

2. County: ALLEN

3. Bidder (Firm): WAYNE PIPE & SUPPLY, INC.  
Address: 1815 S. ANTHONY BLVD.  
City/State: FORT WAYNE, INDIANA 46803

4. Telephone Number: 219-423-9577

5. Agent of Bidder (if applicable): R. C. SCHMIEMAN

Pursuant to notices given, the undersigned offers bid(s) to CITY OF FORT WAYNE (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

R. C. Schmieman  
Signature of Bidder or Agent

## BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

## NON-COLLUSION AFFIDAVIT

STATE OF INDIANA )  
ALLEN ) SS:  
COUNTY )

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

WAYNE PIPE & SUPPLY, INC.  
Bidder (Firm)

R. C. Schmieman  
Signature of Bidder or Agent

Subscribed and sworn to before me this 9TH day of APRIL, 19 92.

My Commission Expires: 11/19/93

County of Residence: ALLEN

Janice Kay Bell  
Notary Public  
JANICE KAY BELL

Notary Public Printed Name

## ACCEPTANCE

There now being sufficient unbilled appropriated funds available, the contracting authority of (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered \_\_\_\_\_ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE, MD. 21203

## BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Wayne Pipe & Supply, Inc.  
1815 South Anthony Blvd., Fort Wayne, IN 46803

....., as Principal, (hereinafter called the "Principal"), and  
 the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, a corporation duly organized  
 under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound  
 unto City of Fort Wayne, IN

.....as Obligee, (hereinafter called the "Obligee"),  
 in the sum of Five Percent (5%) of Contractor's Maximum Bid ---- Dollars (\$-----),  
 for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves,  
 our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Bid Reference 5047  
Furnishing Copper Pipe

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into  
 a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be  
 specified in the bidding or contract documents with good and sufficient surety for the faithful performance of  
 such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the  
 event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal  
 shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said  
 bid and such larger amount for which the Obligee may in good faith contract with another party to perform  
 the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 13th day of April A.D. 19 92

Janice K. Bell  
 Witness

WAYNE PIPE & SUPPLY, INC. (SEAL)

Principal

Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Surety

Catherine D. Wells  
 Witness

By Gerald Clancy (SEAL)  
 Gerald Clancy, Attorney-in-fact

Power of Attorney  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
HOME OFFICE, BALTIMORE, MD

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Duane E. Lupke, Donald L. Coffey, Edward B. Rice, Virginia T. Axson, Gerald Clancy and Judith A. Snyder, all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Duane E. Lupke, et al, dated, October 1, 1987.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of July, A.D. 1990

ATTEST:



**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

C. W. Robbins  
Assistant Secretary

By

C. M. Pecot, Jr.  
Vice-President

STATE OF MARYLAND  
CITY OF BALTIMORE

ss:

On this 24th day of July, A.D. 1990, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.



Carol J. Adams  
Notary Public, Commission Expires August 1, 1992

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 13th day of April, 1992.

044-2987

J. Gregory Hamilton  
Assistant Secretary

Bidder/Vendor

Anti-apartheid Certification

The undersigned, on behalf of WAYNE PIPE & SUPPLY, INC., does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, council's ordinance requires that all person, firms, or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid on South Africa.

The undersigned states, on behalf of

WAYNE PIPE & SUPPLY, INC., that WAYNE PIPE & SUPPLY, INC.

does not support or endorse the policy of apartheid

in South Africa

IN WITNESS WHEREOF, this certification has been  
signed this 9TH days of APRIL, 1992

WAYNE PIPE & SUPPLY, INC.

Name of Bidder/Vendor

R. C. Schmieman

Name and Title of Person Signing



CERTIFICATION OF NON-SEGREGATED FACILITIES

Each Bidder is required to file a fully executed Certificate of Non-Segregated Facilities once a year.

CERTIFICATION OF NON-SEGREGATED FACILITIES

The Bidder certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The Bidder certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments and that he will not permit his employees to perform their services at any location under his control where segregated facilities are maintained. The Bidder agrees that a breach of this certification will be a violation of the Equal Opportunity clause in any contract resulting from acceptance of this bid. As used in this certification, the term "segregated facilities" means any waiting room, work area, restrooms and washrooms, restaurant or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The Bidder agrees that (except where the Bidder has obtained identical certification from proposed subcontractors for specific time periods) he will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause and that he will retain such certifications in his files.

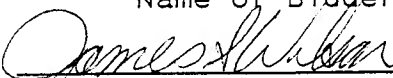
NOTE: THE PENALTY FOR MAKING FALSE STATEMENTS IN OFFERS IS PRESCRIBED IN 18 U.S.C. 1001.

Date: APRIL 9, 1992

WAYNE PIPE & SUPPLY, INC.

Name of Bidder

By:



Title:

VICE PRESIDENT

Official Address: (including zip code)

1815 S. ANTHONY BLVD.

FORT WAYNE, IN 46803

Read the first time in full and on motion by Long, seconded by City Clerk, and duly adopted, read the second time by title and referred to the Committee on City Clerk (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 5-12-92 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-26-92 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. S-92-92 on the 26th day of May, 1992

ATTEST: (SEAL) Thomas P. Henry  
Sandra E. Kennedy PRESIDING OFFICER  
SANDRA E. KENNEDY, CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of May, 1992 at the hour of 3:00 o'clock \_\_\_\_\_ M., E.S.T. Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of May, 1992, at the hour of 11:45 o'clock A M., E.S.T. Paul Helmke  
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

92-05-07

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 5047 for the purchase of copper pipe for the Water Maintenance & Service Department. The cost reflects the lowest and most responsive of three (3) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: For installation of new services and repair/replacement of existing services.

IF REPLACEMENT, WHAT NECESSITATES: Leaking of old lead services that need to be relocated or replaced.

EFFECT ON NON-PASSAGE: We would not be able to install new services or repair existing services.

PRIOR APPROVAL REQUESTED:

DATE:

MONIES INVOLVED: Wayne Pipe & Supply \$22374.00+/-

PRICE AGREEMENT: YES PURCHASE ORDER:

ACCOUNT INFORMATION: Water Maint. 513-523-W154-4221



BILL NO. S-92-05-07

REPORT OF THE COMMITTEE ON  
CITY UTILITIES

DAVID C. LONG, CHAIR  
SAMUEL J. TALRAICO, VICE CHAIR  
LUNSEY, BRADBURY

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding  
of Reference #5047 by the City of Fort Wayne, Indiana, by and  
through its Department of Purchasing and WAYNE PIPE & SUPPLY,  
INC. for the Water Maintenance and Service Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*David C. Long*

*Sam J. Talraico*

*Janet Bradbury*

DATED:

*5-26-92.*

Sandra E. Kennedy  
City Clerk